



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

June 1, 2005

Mr. Henry Lorren Hagen
2431 Heine Road
Chewelah, WA 99109

Dear Mr. Hagen:

Re: Emergency Drought Change for 2005 under Surface Water Certificate No.
8505
(WRIA 59 - Stevens County)

Your request for an Emergency Drought Change in the place of use and point of diversion/withdrawal for the 2005 irrigation season under the above-referenced Certificate has been received and is granted conditionally as follows:

The above-referenced Certificate authorizes a total of 1.0 cubic feet per second, 240 acre-feet per year for the seasonal irrigation of 80 acres. The point of diversion is within SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 22, T. 32 N., R. 40 E.W.M. The place of use is located as follows; NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ all within Section 22, T. 32 N., R. 40 E.W.M.

The proposed place of use is currently covered by Surface Water Certificate No. S3-25738C. This certificate is subject to minimum flows on the Colville River under WAC 173-559.

For the 2005 irrigation season you are authorized to change the place of use of 60 acres from the NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 23, T. 32 N., R. 40 E.W.M. to the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 23, T. 32 N., R. 40 E.W.M. The point of diversion will be changed from the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 22, T. 32 N., R. 40 E.W.M. to an existing point of diversion located 1320 feet east and 30 feet south from the W $\frac{1}{4}$ corner of Section 23, being within the N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 23, T. 32 N., R. 40 E.W.M.

The total quantity of water to be changed under this authorization shall not exceed .75 cubic feet per second, 180 acre-feet for the irrigation of 60 acres.



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This change does not authorize an enlargement of those quantities in cubic feet per second, acre-feet per year, or total irrigated acres as described under Surface Water Certificate No. 8505.

Irrigation of any lands removed from irrigation under this authorization for the 2005 season will constitute an enlargement of the right and this authorization shall be immediately terminated.

The diversions used under this authorization and any other temporary drought authorization shall be metered for instantaneous and/or for cumulative quantities as per conditions under the original water right. With proper consent, Ecology officials shall have right of access to the meter(s) at all times. In the event the meter(s) or measuring device(s) should become damaged or inoperable, all diversion of water under this authorization should cease until such time as the meter or measuring device is restored to proper working order.

You are advised that the issuance of this drought change/transfer by the Department does not convey a right of access to, or other right to use land, which you do not legally possess. Obtainment of such a right is a private matter between the applicant and the owner of the land.

This drought change/transfer is granted in accordance with WAC 173-166-085 until the end of the 2005 irrigation season, at which time it shall automatically revert back to that described under Surface Water Certificate No. 8505.

The Department assumes no liability for the purchase and/or construction of any permanent facilities in conjunction with this drought change authorization. Applicants for drought change/transfer should not construe that a drought change will result in the granting of a permanent change of water right.

Violation of any of the terms and/or conditions of this drought change/transfer will result in this authorization being immediately terminated, issuance of administrative orders to Cease and Desist, and may also subject the violator to civil penalties.

The Department may field-verify this drought change/transfer at any time for compliance with the terms and/or conditions of this authorization.

Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances or regulations.

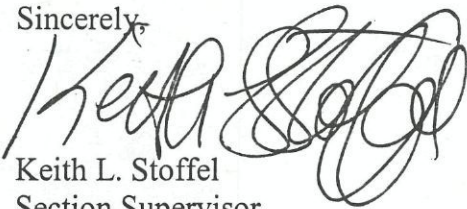
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This decision may be appealed pursuant to RCW Chapter 43.21B. Any person wishing to appeal this decision must file an appeal with the Pollution Control Hearings Board **within thirty (30) days of receipt of this decision**. Send the appeal to: Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal **must** be sent to: Department of Ecology, Water Resources Appeals Coordinator, P.O. Box 47600, Olympia, Washington 98504-7600.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith L. Stoffel", written over a horizontal line.

Keith L. Stoffel
Section Supervisor
Water Resource Program

KLS:HS:ka